IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

of the Estate of MAXINE GILLIS,)
deceased,)
Plaintiff,)
v.) Civil Action No. 22-734
UNITED STATES OF AMERICA,)
CLASSY CAB COMPANY, INC.,)
and DEVOKA GORDON, an Adult)
Individual,)
)
Defendants.)

ORDER OF COURT

AND NOW, this 28th day of February, 2023, upon consideration of the Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) ("Motion to Dismiss") (Docket No. 17), filed by Defendant Classy Cab Company, Inc. ("Classy Cab"), and the briefs filed by the parties in support and in opposition, and for the reasons the Court stated on the record at the oral argument on Classy Cab's motion held this day, IT IS HEREBY ORDERED that:

- 1. Classy Cab's Motion to Dismiss (Docket No. 17) is **granted** pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted, and the claims against Classy Cab in Counts III and IV of Plaintiff's Complaint are **dismissed without prejudice** to amendment of the Complaint.
- 2. Plaintiff shall file his Amended Complaint by <u>March 30, 2023</u>, and Defendants' responses thereto are due by <u>May 1, 2023</u>.

3. If Plaintiff declines to file an Amended Complaint by <u>March 30, 2023</u>, then Counts III and IV of the Complaint will be <u>dismissed with prejudice</u> and the case will proceed accordingly.

s/W. Scott Hardy

W. Scott Hardy United States District Judge

cc/ecf: All counsel of record